

REMARKS

The Examiner has stated that: “[t]he reply filed on May 3, 2003 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): It has the wrong status identifiers (see ‘twice amended’). Further the applicant makes no reference to the specification to support claimed distinctions between the cited art and applicant’s invention.”

First, Applicant is at a loss as to the basis for the Examiner’s objections. The reply filed on May 3, 2003 contained no amendments to the claims, and therefore no status identifiers. Applicant cannot find the term “twice amended” anywhere in the reply in question. Moreover, even if the reply filed on May 3, 2003 had included the status identifier “twice amended”, such would be completely appropriate. The revised amendment practice which specifies certain permissible status identifiers such that “twice amended” is no longer appropriate became effective July 30, 2003. Since the reply in question was filed on May 3, 2003, before the effective date of the revised amendment practice, it would have been entirely appropriate to have used the status identifier “twice amended”. However, since the reply in question did not include any status identifiers, the point is moot, and the Examiner’s objection is completely baseless.

With respect to the Examiner’s apparent assertion that the reply filed on May 3, 2003 is not fully responsive because Applicant makes no reference to the specification, Applicant is not aware of any requirement that the specification be referenced to support claimed distinctions. Perhaps the Examiner is confused with the requirement that the specification be referenced by page and line number in the Summary of Claimed Subject Matter portion an Appeal Brief pursuant to 37 CFR

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41.67(c)(1)(v)? Otherwise, Applicant asks that the Examiner provide some support for, and elaborate on, his position.

Second, Applicant respectfully asks the Examiner to advance prosecution of this case. Applicant filed its latest response on May 3, 2003. Now, more than three years later, Applicant faces further delays in prosecution in the form of a completely baseless assertion that the previously filed reply was not fully responsive. Applicant respectfully asks the Examiner to address the merits of the case, and either locate prior art that can form the basis of tenable rejections or allow Applicant to bring the case to Appeal.

For the reasons set forth in the Reply filed on May 3, 2003, Applicant respectfully submits that all pending claims, namely Claims 1-56, are patentable over the references of record, and earnestly solicits allowance of the same.

Respectfully submitted,



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